

## BEFORE THE STATE BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

### STATE OF IDAHO

In the Matter of the License of:

MICHELLE L. BOTT-GRAHAM,  
License No. LCPC-387,

Respondent.

Case No. COU-2003-1

### **FINAL ORDER**

THIS MATTER came before Jean R. Uranga, the designated Hearing Officer. The State appeared by its attorney of record, Emily A. MacMaster, Idaho Deputy Attorney General. Respondent, Michelle L. Bott-Graham, failed to answer or appear in this proceeding within the time required. On October 3, 2007, the Hearing Officer entered a Default Order and Findings of Fact, Conclusions of Law, and Recommended Order.

This matter then came before the Idaho State Board of Professional Counselors and Marriage and Family Therapists, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. Default is hereby entered as against Respondent, and the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by this reference.
2. That the factual allegations set forth in the Complaint as against this Respondent shall be deemed true.

**FINAL ORDER - 1.**

3. That Respondent's actions constitute a violation of Idaho Code Sections 54-3402(1), 54-3407(2) and (5) and 54-3408(3), and further constitute grounds for disciplinary action against her license to practice counseling in the state of Idaho pursuant to Idaho Code Section 54-3407. The Board therefore imposes the following disciplinary sanctions upon Respondent Michelle L. Bott-Graham. These disciplinary sanctions are based upon the severity of the circumstances and consider the Respondent's action of practicing while her license was suspended in disregard of the Board's previous Order. The sanctions further are based upon the fact that Respondent's actions resulted in the death of a child.

a. That Respondent's license and right of reinstatement or renewal shall be revoked.

b. That Respondent shall pay a fine in the amount of One Thousand Dollars (\$1,000.00) for each Count under the Complaint, for a total amount owed of Two Thousand Dollars (\$2,000.00).

c. That prior to any reinstatement of Respondent's license, Respondent shall meet with the Board and provide proof of meeting the following requirements:

- (1) Complete release from Department of Corrections, including Probation and Parole.
- (2) Payment of all fines.
- (3) Fulfillment of an evaluation of professional and personal competency deemed acceptable to the Board, including a psychological evaluation and fulfillment of all license requirements and examination.
- (4) Demonstration of rehabilitation as acceptable to the Board.

**FINAL ORDER - 2.**

4. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4)).


b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

5. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 3<sup>RD</sup> day of April, 2008.

IDAHO STATE BOARD OF PROFESSIONAL  
COUNSELORS AND MARRIAGE AND FAMILY  
THERAPISTS

By   
Brenda Freeman, Acting Chair for  
Roberta Crockett, Chair

**CERTIFICATE OF SERVICE**

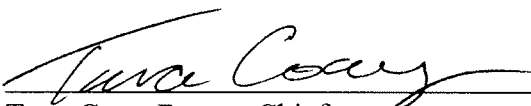
I HEREBY CERTIFY that on the 3<sup>rd</sup> day of April, 2008, I caused to be served,  
by the method(s) indicated, a true and correct copy of the foregoing upon:

Emily MacMaster  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☒ U.S. Mail  
☒ Hand Delivered  
☐ Federal Express  
☐ Fax Transmission

Michelle L. Bott-Graham  
Pocatello Women's Correctional Center  
Unit 3  
1451 Fore Road  
Pocatello, ID 83205

☒ U.S. Mail  
☐ Hand Delivered  
☐ Federal Express  
☐ Fax Transmission  
☒ Certified Mail

  
Tana Cory, Bureau Chief

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